EXHIBIT C



2911 HUNTER MILL ROAD SUITE 303 OAKTON, VA 22124

t: 202-449-3739 f: 202-478-5189 w: www.bevlaw.com

FRE 408 COMMUNICATION

July 28, 2020

Sent by email to: mh@mh-distillery.com

<u>cc:</u> <u>office@impexbev.com</u>

Sent via USPS to: Milk & Honey Distillery Ltd.

c/o S. Horowitz & Co. 31 Ahad Haam St.,

P.O.B. 2499

6102402 Tel-Aviv

Israel

with a copy to: Impex Beverages, Inc.

360 Swift Ave. Side B, Ste. 9

South San Francisco, CA 94080

RE: UNAUTHORIZED USE OF M&H AND MILK & HONEY TRADEMARKS

To Whom It May Concern:

We represent M&H Spirits LLC in its trademark matters. My client owns U.S. Trademark Registration No. 5,200,413 for the mark **MILK & HONEY** in connection with "liquor and liqueur beverages, namely, distilled spirits, liqueurs, and prepared alcoholic drinks"; and U.S. Trademark Registration No. 5,229,644 for the mark **M&H** in connection with the same goods. My client's trademark registrations entitle it to the nationwide exclusive right to use the marks M&H and MILK & HONEY in connection with distilled spirits in the United States.

It has recently come to our attention that you are currently causing the importing and sale of distilled spirits products bearing the marks M&H and MILK AND HONEY in the United States. Impex Beverages, Inc., has obtained at least seven Certificates of Label Approval ("COLAs") from the Alcohol and Tobacco Tax and Trade Bureau (TTB) for labels that prominently bear the marks M&H and MILK AND HONEY. See **Exhibit A.** Additionally, you advertise on your website that your products are available in the United States and provide a link to Impex Beverages' webpage for your products. See **Exhibit B.** Finally, a July 10, 2020, article from Whiskey Advocate indicates that your products are available in "more than a dozen states." See **Exhibit C**.



We understand that you operate a distillery and sell distilled spirits under the marks M&H and MILK AND HONEY in Israel. Whatever rights you may have to these marks in Israel do not, however, entitle you to use these marks in connection with distilled spirits in the United States.

There is no issue here as to whether your use of M&H and MILK AND HONEY in connection with distilled spirits in the United States is likely to cause confusion with my client's marks. The marks and goods in connection with which you use them are *identical* to the marks and goods in my client's federal trademark registrations. Your products travel in the same channels of commerce and are sold to the same class of purchasers as my client's products. Additionally, my client has been made aware of several instances of actual confusion, where consumers and industry members have mistakenly believed that your products originate with my client.

There also appears to be no issue here regarding my client's priority rights to use the marks M&H and MILK & HONEY in the United States. My client's nationwide exclusive rights to these marks began on the filing date of my client's federal trademark applications: February 11, 2015, for MILK & HONEY; and September 19, 2016, for M&H. The earliest COLA we can find for your products was issued on September 19, 2019 – *three years* after my client's priority filing date for M&H, and more than *four years* after my client's priority filing date for MILK & HONEY. An approved COLA is required before lawfully importing distilled spirits into the United States. Accordingly, we suspect that the *earliest* date you could claim lawful use of the marks M&H and/or MILK AND HONEY in the United States is September 19, 2019. If you believe that you can substantiate a date of first use that predates my client's priority date, please provide evidence showing the same.

Otherwise, given my client's priority rights to the marks M&H and MILK & HONEY, and given that your use of M&H and MILK AND HONEY is likely to cause confusion with our marks, we consider your use of these marks to constitute trademark infringement under 15 U.S.C. § 1125, and demand that you immediately cease and desist all use of the marks M&H and MILK AND HONEY and any confusingly similar marks in connection with distilled spirits and other alcoholic beverages in the United States.

It appears that you are already aware of my client's registered trademarks and that your use of the same marks is likely to cause confusion. Specifically, the USPTO has refused your applications for MILK & HONEY DISTILLERY (Serial No. 79283267); M&H WHISKY DISTILLERY (Serial No. 79283305); and a stylized design incorporating the literal element M&H WHISKEY DISTILLERY (Serial No. 79283289) based on a likelihood of confusion with my client's registered trademarks. Notwithstanding these refusals, you continue to cause your products bearing these marks to be imported into and sold in the United States, as well as continue to advertise and market your products to United



States consumers. Your continued export, sale, and advertising of your infringing products in the United States, with the knowledge of my client's federally registered trademarks and notice that they cause a likelihood of confusion, may constitute willful infringement of my client's registered trademarks.

My client is prepared to take any and all available actions at law to enforce its trademark rights in the United States. Under U.S. Trademark Law, a trademark owner is entitled to enjoin an infringer from continuing to infringe the trademark owner's rights. 15 U.S.C. § 1116. A trademark owner is also entitled to recover from an infringer the infringer's profits, the trademark owner's sustained damages, and the costs of the civil action. 15 U.S.C. § 1117. Alternatively, a trademark owner may elect to recover statutory damages, which can amount to up to \$2,000,000 per mark in the case of willful infringement.

That said, my client would prefer to avoid litigation, and believes that we can settle this matter amicably. If you agree to immediately cease and desist your infringing activity, my client is willing to discuss terms under which you may phase out your unauthorized use of my client's marks. Alternatively, my client would be willing to discuss licensing its marks to you, in exchange for payment and an ongoing royalty, and in accordance with the terms and conditions of a valid licensing agreement, so that you may continue selling your products bearing my client's marks in the United States.

Please respond no later than August 10, 2020, with confirmation that you have complied with our demands in this letter. Please send confirmation to me via email at frank.knizner@bevlaw.com. If you have any questions regarding this letter, I can be reached by email at the above address. We look forward to your timely response.

Sincerely,

Frank Knizner

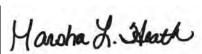
Attorney for M&H Spirits LLC

EXHIBIT A

7/22/2020 OMB No. 1513-0020

OMB No. 1513-0020

				OMB NO. 1513-0020	
TTB ID 19238001000910	B USE ONLY	DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTL			
		(See It	APPROVAL (See Instructions and Paperwork Reduction Act Notice on Back)		
1. REP. ID. NO. (If any)	CT OR	(See in	istructions and Pap	Derwork Reduction Act Notice on Back)	
	191 56				
] <u>L</u>			DI IOATION		
		=1	PPLICATION		
2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required)	3. SOURCE OF PRODUCT (Required) Domestic	REGISTRY,	BASIC PERMIT OR	PPLICANT AS SHOWN ON PLANT BREWER'S NOTICE. INCLUDE APPROVED O ON LABEL (Required)	
CA-I-16075	/ Imported		/ERAGES, INC. AVE SUITE 9 SI		
4. SERIAL NUMBER	5. TYPE OF PRODUCT	1	N EDANOIGO OA	0.4000	
(Required)	(Required)	SOUTH SA	N FRANCISCO CA	94080	
19MH02	WINE				
	DISTILLED SPIRITS				
	MALT BEVERAGE				
	WALI BEVERAGE				
		<u> </u>			
6. BRAND NAME (Requi	ired)	8a. MAILING	ADDRESS, IF DIF	FERENT	
M & H DISTILLERY					
7. FANCIFUL NAME (If a	any)	1			
YOUNG SINGLE MALT	LIGHTLY PEATED				
9. FORMULA	10. GRAPE VARIETAL(S'	(Wine Only)	14. TYPE OF APPL	ICATION (Check applicable box(es))	
	N/A	, (
			a. CERT	IFICATE OF LABEL APPROVAL	
11. WINE APPELLATION			FICATE OF EXEMPTION FROM LABEL APPROVAL ale in only" (Fill in State abbreviation.)		
12. PHONE NUMBER	13. EMAIL ADDRESS		DISTINCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE C. CAPACITY BEFORE CLOSURE (Fill in amount)		
(650) 872-1113	10. 2/ (12./(3.5)/(2.00		C. CAPA	CTIY BEFORE CLOSURE (Fill in amount)	
				BMISSION AFTER REJECTION D. NO	
15. SHOW ANY INFORMATION THAT IS BLOWN, BRANDED, OR EMBOSSED ON THE CONTAINER (e.g., net contents) ONLY IF IT DOES NOT APPEAR ON THE LABELS AFFIXED BELOW. ALSO, SHOW TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.					
PART II - APPLICANT'S CERTIFICATION					
Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.					
16. DATE OF APPLICATION (Application was e-filed) 17. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT (Application was e-filed) 18. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT SAM FILMUS					
DADT III. TTD OFFICIATE					
PART III - TTB CERTIFICATE This contificate is included subject to applicable large regulations and conditions as set foutb in the instructions neution of this					
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.					
19. DATE ISSUED 20. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU					
09/19/2019					
	2.22 2.227	DIII Eile	-d 00/00/00 I	Page 6 of 41 Decument 1.3	



CLASS/TYPE DESCRIPTION OUALIFICATIONS THE STATUS IS APPROVED. CLASS/TYPE DESCRIPTION OTHER IMPORTED WHISKY FB

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front) or keg collar

Actual Dimensions: 7 inches W X 4.2 inches H

Note: The image below has been reduced to fit the page. See actual dimensions above.



Image Type:

Back

Actual Dimensions: 2.5 inches W X 3.5 inches H



TTB F 5100.31 (06-2016) PREVIOUS EDITIONS ARE OBSOLETE

7/22/2020 OMB No. 1513-0020

OMB No. 1513-0020

			OMB No. 1513-0020			
FOR TT TTB ID 19353001001078	B USE ONLY	DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTL APPROVAL (See Instructions and Paperwork Reduction Act Notice on Back)				
1. REP. ID. NO. (If any	OR 191 56					
	F	PART I - AF	PPLICATION			
2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required) CA-I-16075	3. SOURCE OF PRODUCT (Required) Domestic Imported	REGISTRY, DBA OR TR	B. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required) IMPEX BEVERAGES, INC.			
	_	1 360 SWIFT	AVE SUITE 9 SI			
4. SERIAL NUMBER (Required) 19MH03	5. TYPE OF PRODUCT (Required) wine	SOUTH SAN FRANCISCO CA 94080				
	DISTILLED SPIRITS MALT BEVERAGE					
6. BRAND NAME (Reg	uirod)	l sa MAILING	G ADDRESS, IF DIFFERENT			
M&H DISTILLERY	uneuj	oa. WAILING	S ADDRESS, IF DIFFERENT			
7 FANCIELL NAME //	Family	-				
7. FANCIFUL NAME (III	r any)					
9. FORMULA		(Wine Only)	14. TYPE OF APPLICATION (Check applicable box(es))			
	N/A		a. CERTIFICATE OF LABEL APPROVAL			
11. WINE APPELLATIO	ON (If on label)		b. CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in only" (Fill in State abbreviation.)			
12. PHONE NUMBER	13. EMAIL ADDRESS		C. DISTINCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount)			
(650) 872-1113			d. RESUBMISSION AFTER REJECTION TTB ID. NO			
15. SHOW ANY INFORMATION THAT IS BLOWN, BRANDED, OR EMBOSSED ON THE CONTAINER (e.g., net contents) ONLY IF IT DOES NOT APPEAR ON THE LABELS AFFIXED BELOW. ALSO, SHOW TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.						
PART II - APPLICANT'S CERTIFICATION						
Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.						
16. DATE OF APPLICATION (Application was e-filed) 17. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT (Application was e-filed) 18. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT SAM FILMUS						
PART III - TTB CERTIFICATE						
This certificate is issu form.	ed subject to applicable law	s, regulations	s and conditions as set forth in the instructions portion of this			
19. DATE ISSUED 20. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU						
01/07/2020						
ا ا	2000 2:22 ov 00207		ed 03/30/22 Page 9 of 41 Document 1-3			



TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable. STATUS THE STATUS IS APPROVED. CLASS/TYPE DESCRIPTION OTHER IMPORTED WHISKY FB

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front) or keg collar

Actual Dimensions: 3.35 inches W X 5 inches H



Image Type:

OMB No. 1513-0020

Actual Dimensions: 2.75 inches W X 3.74 inches H



TTB F 5100.31 (06-2016) PREVIOUS EDITIONS ARE OBSOLETE

7/22/2020 OMB No. 1513-0020

OMB No. 1513-0020

				OWB NO. 1513-0020	
FOR TTB USE ONLY TTB ID		DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND			
20003001000635		CERTIFICATION/EXEMPTION OF LABEL/BOTTI APPROVAL			
1. REP. ID. NO. (If any)	CT	(See Instructions and Paperwork Reduction Act Notice on Back)			
,		PART I - APP	PLICATION		
2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required)	3. SOURCE OF PRODUCT (Required) Domestic	REGISTRY, BA	8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required)		
CA-I-16075	Imported		RAGES, INC. VE SUITE 9 SI		
4. SERIAL NUMBER (Required) 20MH05	5. TYPE OF PRODUCT (Required)	SOUTH SAN	FRANCISCO CA	94080	
	DISTILLED SPIRITS				
	MALT BEVERAGE				
	WALI BEVERAGE				
6. BRAND NAME (Requir	red)	8a MAII ING A	ADDRESS, IF DIFI	FERENT	
M&H DISTILLERY	<i>cu</i>)		100, 11 011		
7. FANCIFUL NAME (If ar	ny)	-			
ELEMENTS SHERRY					
9. FORMULA	10. GRAPE VARIETAL(S)	(Wine Only) 1	4. TYPE OF APPL	ICATION (Check applicable box(es))	
	N/A		a. CERTI	FICATE OF LABEL APPROVAL	
11. WINE APPELLATION			FICATE OF EXEMPTION FROM LABEL APPROVAL ale in only" (Fill in State abbreviation.)		
12. PHONE NUMBER	13. EMAIL ADDRESS			ICTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CITY BEFORE CLOSURE (Fill in amount)	
(650) 872-1113			d. RESUBMISSION AFTER REJECTION TTB ID. NO		
15. SHOW ANY INFORMATION THAT IS BLOWN, BRANDED, OR EMBOSSED ON THE CONTAINER (e.g., net contents) ONLY IF IT DOES NOT APPEAR ON THE LABELS AFFIXED BELOW. ALSO, SHOW TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.					
PART II - APPLICANT'S CERTIFICATION					
knowledge and belief; an correctly represent the co	d, that the representations content of the containers to w	n the labels atta hich these labels	ached to this form, s will be applied. I	n are true and correct to the best of my including supplemental documents, truly and also certify that I have read, understood and 100.31, Certificate/Exemption of Label/Bottle	
16. DATE OF APPLICANT OR AUTHORIZED AGENT APPLICATION 01/03/2020 17. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT (Application was e-filed) 18. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT SAM FILMUS					
PART III - TTB CERTIFICATE					
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.					
19. DATE ISSUED 20. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU 01/21/2020					
	oo 2,22 ov 00207 F	NII Filod	02/20/22 5	Page 12 of 41 Document 1.2	



QUALIFICATIONS TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable. STATUS THE STATUS IS APPROVED. CLASS/TYPE DESCRIPTION OTHER IMPORTED WHISKY FB

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front) or keg collar

Actual Dimensions: 3.35 inches W X 5 inches H



Image Type:

OMB No. 1513-0020

Back

Actual Dimensions: 2.75 inches W X 3.74 inches H



TTB F 5100.31 (06-2016) PREVIOUS EDITIONS ARE OBSOLETE

7/22/2020 OMB No. 1513-0020

OMB No. 1513-0020

EOP T	TR LISE ONLY	,		DEDARTME	NT OF THE TREASURY		
FOR TTB USE ONLY			DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU				
TTB ID				APPLICATION FOR AND			
20166001000070			CERTIFICATION/EXEMPTION OF LABEL/BOTTLE				
				APPROVAL			
1. REP. ID. NO. (If an	у) СТ	OR	(See li	(See Instructions and Paperwork Reduction Act Notice on Back)			
	191	56					
<u> </u>		·	PART I - AF	PPLICATION			
2. PLANT	3. SOURCE	OF	8. NAME AN	ID ADDRESS OF A	PPLICANT AS SHOWN ON PLANT		
REGISTRY/BASIC PERMIT/BREWER'S NO. (Required)	PRODUCT (Required)			BREWER'S NOTICE. INCLUDE APPROVED ON LABEL (Required)		
CA-I-16075	✓ Imported	I		VERAGES, INC. AVE SUITE 9 SI			
4. SERIAL NUMBER	5. TYPE OF	PRODUCT	SOUTH SA	N FRANCISCO CA	04080		
(Required)	(Required)			INT NANCISCO CA	34000		
20MHE1	WINE						
	DISTILLI	ED SPIRITS					
	MALT BE	VERAGE					
6. BRAND NAME (Re	quired)		8a. MAILING	ADDRESS, IF DIF	FERENT		
M&H DISTILLERY							
7. FANCIFUL NAME (lf any)		1				
ELEMENTS PEATED							
9. FORMULA	10. GRAPE	VARIETAL(S)	(Wine Only)	14. TYPE OF APPL	ICATION (Check applicable box(es))		
	N/A	,	(iiiii oiiiy)				
				a. CERT	IFICATE OF LABEL APPROVAL		
				CERT b. "For s	IFICATE OF EXEMPTION FROM LABEL APPROVAL		
11. WINE APPELLATION	ON (If on label)			D. "For sale in only" (Fill in State abbreviation.)			
12. PHONE NUMBER 13. EMAIL ADDRESS				C. DISTINCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount)			
(650) 872-1113							
					BMISSION AFTER REJECTION D. NO		
15. SHOW ANY INFO IT DOES NOT APPEA APPEARING ON LAB	AR ON THE LABE	IS BLOWN, B ELS AFFIXED	RANDED, OF BELOW. ALS	R EMBOSSED ON TI O, SHOW TRANSLA	HE CONTAINER (e.g., net contents) ONLY IF ATIONS OF FOREIGN LANGUAGE TEXT		
PART II - APPLICANT'S CERTIFICATION							
Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my							
knowledge and belief	and, that the rep	resentations of	on the labels a	ttached to this form,	including supplemental documents, truly and		
					also certify that I have read, understood and 100.31, Certificate/Exemption of Label/Bottle		
Approval.							
16. DATE OF 17. SIGNATURE OF APPLICANT OR					18. PRINT NAME OF APPLICANT OR		
APPLICATION (Application was e-filed)			SAM FILMUS		AUTHORIZED AGENT		
00/14/2020				GAIVIT ILIVIOO			
		PAI	RT III - TTB	CERTIFICATE			
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.							
<u> </u>	20. AUTHORIZFI	O SIGNATUR	E. ALCOHOI	AND TOBACCO TA	X AND TRADE BUREAU		
07/09/2020			,		21		
 	Case 2:22-c	/-00397-F	3HL File	d 03/30/22 F	Page 15 of 41 Document 1-3		



TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable. STATUS THE STATUS IS APPROVED. CLASS/TYPE DESCRIPTION OTHER IMPORTED WHISKY FB

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front) or keg collar

Actual Dimensions: 3.35 inches W X 5 inches H



Image Type:

OMB No. 1513-0020

Actual Dimensions: 2.75 inches W X 3.74 inches H



TTB F 5100.31 (06-2016) PREVIOUS EDITIONS ARE OBSOLETE

7/22/2020 OMB No. 1513-0020

OMB No. 1513-0020

FOR TTB USE ONLY TTB ID 20166001000071			DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL		
1. REP. ID. NO. (If any)	CT 191	OR 56	(See Instructions and Paperwork Reduction Act Notice on Back)		
		ı	PART I - AF	PLICATION	
REGISTRY/BASIC PRODUCT (Required)		REGISTRY, DBA OR TR	BASIC PERMIT ADENAME IF L /ERAGES, INC.		
4. SERIAL NUMBER (Required) 20MHE2	5. TYPE OF (Required) WINE DISTILLE MALT BE	D SPIRITS	360 SWIFT AVE SUITE 9 SI SOUTH SAN FRANCISCO CA 94080		
6. BRAND NAME (Requ M&H DISTILLERY	uired)		8a. MAILING	ADDRESS, IF	DIFFERENT
7. FANCIFUL NAME (IF ELEMENTS RED WINE			1		
10. GRAPE VARIETAL(S) (Wine Only) N/A 14. TYPE OF APPLICATION (Check applicable box(es)) a. CERTIFICATE OF LABEL APPROVAL					
					CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in only" (Fill in State abbreviation.)
12. PHONE NUMBER (650) 872-1113				C.	DISTINCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount) RESUBMISSION AFTER REJECTION TTB ID. NO
	ON THE LABE				ON THE CONTAINER (e.g., net contents) ONLY IF NSLATIONS OF FOREIGN LANGUAGE TEXT
		PART II -	APPLICAN	T'S CERTIF	ICATION
knowledge and belief; a correctly represent the	and, that the rep content of the co	resentations on ontainers to w	on the labels a hich these lab	ttached to this for els will be applie	ication are true and correct to the best of my form, including supplemental documents, truly and ed. I also certify that I have read, understood and B F 5100.31, Certificate/Exemption of Label/Bottle
16. DATE OF APPLICATION (Application was e-filed) 17. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT AUTHORIZED AGENT SAM FILMUS					
<u> </u>		PAI	RT III - TTB	CERTIFICA	TE .
This certificate is issue form.	ed subject to ap	plicable law	s, regulations	and condition	ns as set forth in the instructions portion of this
19. DATE ISSUED 07/08/2020 20. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU					
tps://www.ttbonline.gov/c					Page 18 of 41 Document 1-3 ttbid=20166001000071



QUALIFICATIONS TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable. STATUS THE STATUS IS APPROVED. CLASS/TYPE DESCRIPTION OTHER IMPORTED WHISKY FB

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front) or keg collar

Actual Dimensions: 3.35 inches W X 5 inches H

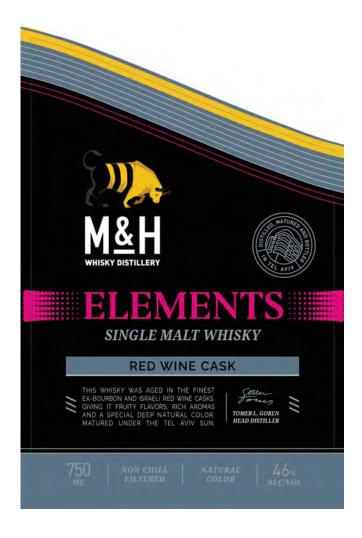


Image Type:

OMB No. 1513-0020

Actual Dimensions: 2.75 inches W X 3.74 inches H

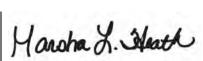


TTB F 5100.31 (06-2016) PREVIOUS EDITIONS ARE OBSOLETE

7/22/2020 OMB No. 1513-0020

OMB No. 1513-0020

				OMB NO. 1513-0020	
FOR TTB TTB ID 20166001000081	USE ONLY	DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE			
				PPROVAL	
1. REP. ID. NO. (If any)	CT OR	(See Instructions and Paperwork Reduction Act Notice on Back)			
II. REP. ID. NO. (II ally)	191 56				
	191 30				
<u></u>					
	F	PART I - AP	PLICATION		
2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required)	3. SOURCE OF PRODUCT (Required) Domestic	REGISTRY, E	B. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required)		
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4. SERIAL NUMBER	5. TYPE OF PRODUCT	SOLITH SAN	N FRANCISCO CA	24080	
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	MALT BEVERAGE				
6. BRAND NAME (Requir	(har	82 MAILING	ADDRESS, IF DIF	EEDENT	
THE IMPEX COLLECTION	,	oa. WAILING	ADDRESS, IF DIF	FERENT	
		-			
7. FANCIFUL NAME (If ar	1 <i>y)</i>				
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9. FORMULA	1	(Wine Only)	14. TYPE OF APPL	ICATION (Check applicable box(es))	
	N/A		a. CERT	FICATE OF LABEL APPROVAL	
11. WINE APPELLATION	 (If on label)			FICATE OF EXEMPTION FROM LABEL APPROVAL ale in only" (Fill in State abbreviation.)	
12. PHONE NUMBER	13. EMAIL ADDRESS			NCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CITY BEFORE CLOSURE (Fill in amount)	
(650) 872-1113			RESU	BMISSION AFTER REJECTION	
				D. NO	
15. SHOW ANY INFORMATION THAT IS BLOWN, BRANDED, OR EMBOSSED ON THE CONTAINER (e.g., net contents) ONLY IF IT DOES NOT APPEAR ON THE LABELS AFFIXED BELOW. ALSO, SHOW TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.					
PART II - APPLICANT'S CERTIFICATION					
knowledge and belief; an correctly represent the co	d, that the representations on entent of the containers to w	on the labels at hich these labe	tached to this form, els will be applied. I	n are true and correct to the best of my including supplemental documents, truly and also certify that I have read, understood and 100.31, Certificate/Exemption of Label/Bottle	
16. DATE OF APPLICATION (Application was e-filed) 17. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT (Application was e-filed) 18. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT SAM FILMUS					
PART III - TTB CERTIFICATE					
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.					
19. DATE ISSUED 20.	AUTHORIZED SIGNATURE	E, ALCOHOL	AND TOBACCO TA	X AND TRADE BUREAU	
06/22/2020					
1 1					



CLASS/TYPE DESCRIPTION OUALIFICATIONS THE STATUS IS APPROVED. CLASS/TYPE DESCRIPTION OTHER IMPORTED WHISKY FB

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front) or keg collar

Actual Dimensions: 3.27 inches W X 2.25 inches H



Image Type:

Back

Actual Dimensions: 3.27 inches W X 2.25 inches H

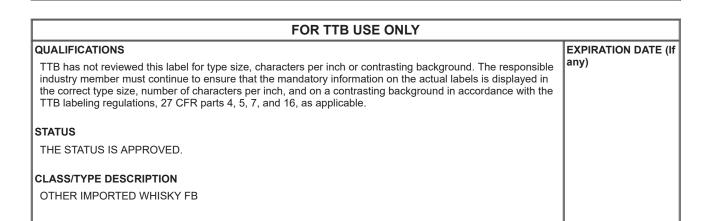


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7/22/2020 OMB No. 1513-0020

OMB No. 1513-0020

				OWB NO. 1513-0020	
TTB ID 20177001000904			DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE		
		APPROVAL			
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	F	PART I - AP	PLICATION		
2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required)	3. SOURCE OF PRODUCT (Required) Domestic	REGISTRY, E	NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT EGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED BA OR TRADENAME IF USED ON LABEL (Required)		
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M&H SINGLE CASK					
9. FORMULA	10. GRAPE VARIETAL(S)	(Wine Only)	14. TYPE OF APPL	ICATION (Check applicable box(es))	
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12. PHONE NUMBER	13. EMAIL ADDRESS			NCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CITY BEFORE CLOSURE (Fill in amount)	
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PART II - APPLICANT'S CERTIFICATION					
knowledge and belief; an correctly represent the co	d, that the representations o ontent of the containers to wi	on the labels at hich these labe	tached to this form, els will be applied. I	on are true and correct to the best of my including supplemental documents, truly and also certify that I have read, understood and 100.31, Certificate/Exemption of Label/Bottle	
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PART III - TTB CERTIFICATE					
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.					
19. DATE ISSUED 20. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU					
06/29/2020					
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AFFIX COMPLETE SET OF LABELS BELOW

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Brand (front) or keg collar

Actual Dimensions: 3.27 inches W X 2.25 inches H

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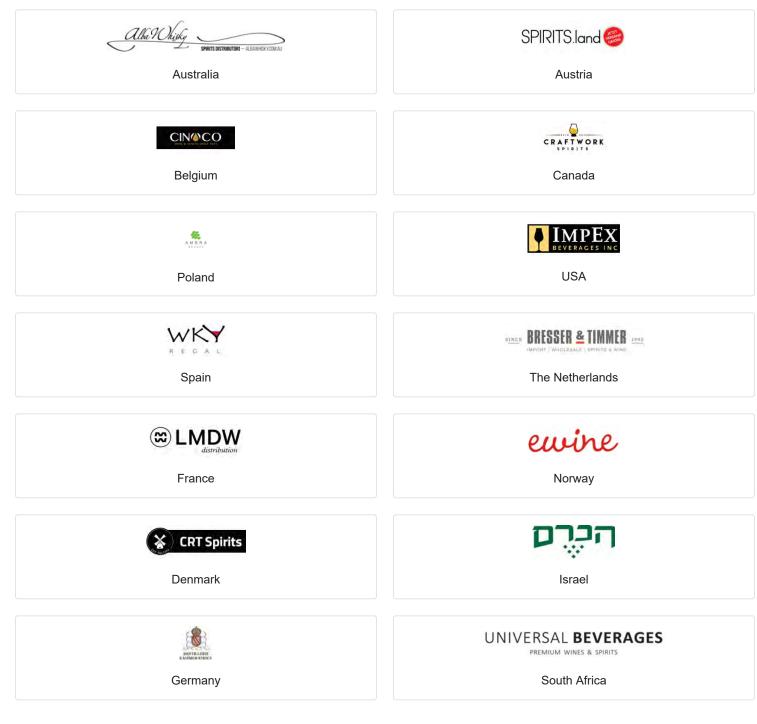
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EXHIBIT B













Take true passion for single malt whisky, add the boldness and cutting-edge innovation that the Israeli startup ecosystem is famous for, mix it with no-compromising commitment to craftmanship and tradition, and you get M&H, Israel's first whisky distillery.

Founded in 2012, under the expert guidance of the late Dr. Jim Swan, the passionate and dedicated team of the M&H distillery has boldly crafted single malt spirits, matured by the hot and humid climate of vibrant Tel Aviv.

The casks that the M&H distillery use to mature their spirit ensure a wide and exceptional spectrum of flavors.

The core range are ex-bourbon casks along with red wine STR casks. The M&H team are always on the lookout for unique barrels such as pomegranate wine, red wine casks from

selected wineries in Israel, kosher sherry, 400 liters French Limousin oak casks that were used to mature Kosher Cognac, rum, etc.

Double Cask



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Reviews

This special edition of our Whisky in Bloom has characteristics that will reflect our future classic single malt whisky.

A unique double cask bottling: exred wine (STR) and ex-bourbon, aged for only 24 months.

Surprisingly well-balanced and smooth, with dominant notes of vanilla and oak.

Lightly Peated – Triple Cask

Description

Tasting Notes

Reviews

This is a special single malt blend of three cask types: ex-bourbon, ex-red wine (STR) and ex-Islay casks previously used to mature peated whisky from Islay in Scotland.



The ex-Islay casks provide an additional layer of light peatiness and maritime aroma.

Each of the different casks

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Classic Single Malt

Description

Tasting Notes

Awards

Arriving June/July

The first commercial Single Malt Whisky by M&H

Classic single malt whisky is made using the finest ex-bourbon casks and our special red-wine STR casks, giving it a light and balanced character.

Matured under the Tel Avivi'n sun.



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Levantine Gin

Description

Tasting Notes

Arriving June/July

Gin starts the same as M&H single malt series – 100% pure malted barley that's mashed in-house and distilled in the pot still. Then a heap of Juniper is added and botanicals, hand-sourced from Tel Aviv's Levinsky market: origanum syriacum, lemon peel, orange, chamomile, verbena, cinnamon, and black pepper. Then the botanicals let rest in the still for 48 hours and then distill for the third time in M&H 250L pot still, for

Case 2:22-cv-00397-BHL Filed 03/30/22

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M&H Elements Sherry



Description

Tasting Notes

M&H Elements Sherry is the first ever single malt whisky that was matured in Kosher sherry casks, seasoned exclusively for our distillery – straight from Jerez. Bourbon, Oloroso and PX sherry casks characterized its fruity flavors, rich aromas, with a special deep and natural color. Matured under the Tel Aviv sun.







EXHIBIT C

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MENU

WHISKY WEEKEND (/TAG/WHISKY-WEEKEND/)

Nikka Days, Booker's Boston Batch & More New Whisky

JULY 10, 2020 | WHISKY ADVOCATE (HTTPS://WWW.WHISKYADVOCATE.COM/AUTHOR/ADMIN/)



Nikka Days, which is intended for everyday sipping, will now be available in the U.S.

The summer days are growing hotter and if you're like us, you're <u>mixing some cocktails</u> (/magazine/summer-2020-cocktails-made-simple/) into your whisky regimen. But this week also brings a diverse array of options for those seeking a new dram to try neat.

Japan's <u>Nikka Whisky</u> (<u>https://www.nikka.com/eng/</u>) is bringing their Nikka Days blend stateside. The 40% ABV whisky, priced at \$50, is intended to be sipped during casual everyday drinking occasions, and available in a handful of states with expansion planned next year.

The second <u>Booker's (https://www.bookersbourbon.com/home)</u> release of the year is here. Named "Boston Batch," it is limited and listed for \$90.

<u>Michter's (https://michters.com)</u> is rolling out their 10 year old Single Barrel rye for \$160. This will be the only release of the 10 year old rye this year, with limited availability.

Milk & Honey Distillery (https://mh-distillery.com) in Israel has two new whiskies: their flagship Classic (\$60) and the partially shared Elements (\$70). Both are available in more than a dozen states.

<u>Kilchoman (https://kilchomandistillery.com/?v=7516fd43adaa)</u> has a 14 year old single cask on the way, that is one of—if not the—oldest releases from the Islay distillery. There are just over 200 bottles available in the U.S., priced at \$220.

And finally, <u>Garrison Brothers</u> (<u>https://www.garrisonbros.com</u>) in Texas has a honey-infused bourbon coming later this month for \$90. Currently available only at the distillery, the whiskey will be available nationwide in August.

Read on for full details.



NIKKA DAYS

Style: Blended whisky

Origin: Japan Age: Not stated Proof: 40% ABV

Price: \$50

Release: July 2020

Availability: CA, FL, IL, MA, NY, TX, and TN

Need to know:

Japan's Nikka Whisky is bringing a new blend, Nikka Days, stateside with an emphasis on casual everyday sipping. The blend includes <u>Coffey Grain Whisky (/ratings-reviews/? search=&submit=&review_id=2902)</u> and non-peated Miyagikyo malts, along with a touch of <u>Coffey Malt Whisky (/ratings-reviews/?search=&submit=&review_id=2374)</u> and Yoichi malts. The whisky is available in select markets with expansion planned in 2021.

Whisky Advocate says:

Nikka Days was previously available overseas, but this summer marks its U.S. debut. Nikka deployed a similar rollout in 2018 for Nikka From the Barrel which went on to earn our top prize of <u>Whisky of the Year (/top20/2018/1-nikka-from-the-barrel/)</u>. While that whisky, at 51.4% ABV, was a good deal stronger than Days, we are eager to taste the new release all the same. Look for a review in an upcoming issue.



BOOKER'S 2020-02 "BOSTON BATCH"

Style: Straight bourbon

Origin: Kentucky

Age: 6 years, 3 months, 10 days

Proof: 63.25% ABV

Price: \$90 Release: July

Availability: Limited

Need to know:

Following up 2020-01 "Granny's Batch," released in March, comes the second Booker's release of the year.



The name refers not to the city in Massachusetts, but Boston, Kentucky, home to the production site where Booker Noe first started his distilling career. Purchased by the <u>James B. Beam</u>

<u>Distilling Co. (https://www.jimbeam.com/)</u> in the early 1950's, and used for mass-scale production, the facility, now known as the Booker Noe Distillery, was later removed from day-to-day operations, allowing Booker to experiment more. Legend has it that if you were looking for Booker, you'd find him in Boston.

While each batch of Booker's is distinct in its own way, they are consistently high quality with "Granny's Batch" scoring <u>93 points (/ratings-reviews/?search=&submit=&review_id=5360)</u> in the Summer 2020 Buying Guide. We look forward to trying "Boston Batch" and seeing how it compares.



MICHTER'S 10 YEAR OLD SINGLE BARREL RYE (2020 RELEASE)

Style: Straight rye Origin: Kentucky Age: 10 years old Proof: 46.4% ABV

Price: \$160

Release: July 2020 Availability: Limited

Need to know:

Michter's is releasing their latest 10 year old Single Barrel rye, which will be the only such release for 2020.

Whisky Advocate says:

A highly sought-after bottle, the 10 year old Single Barrel Rye consistently scores high, with the 2019 release earning <u>93 points (/ratings-reviews/?search=&submit=&review_id=5128)</u>.



M&H CLASSIC

Style: Single malt Origin: Israel Age: Not stated Proof: 46% ABV Price: \$60

Release: July 2020

Availability: For sale in AK, CA, CO, CT, FL, GA, IN, IL, MA, MD, MN, OK, OR, NJ, NY, and TN

Need to know:

The flagship single malt from Tel Aviv's M&H Distillery, this whisky was matured in both bourbon and STR (shaved, toasted, re-charred) casks. It's non-chill filtered and certified kosher.

M&H ELEMENTS





Style: Single malt Origin: Israel Age: Not stated Proof: 46% ABV Price: \$70

Release: July 2020

Availability: For sale in AK, CA, CO, CT, FL, GA, IN, IL, MA, MD, MN, OK, OR, NJ, NY, and TN

Need to know:

Made at Tel Aviv's M&H Distillery, this is the first single malt to be matured in kosher sherry casks—in this case, oloroso and Pedro Ximénez sherry—as well as bourbon casks.

Whisky Advocate says:

While some folks who keep kosher (including some rabbis who rule on what is or isn't kosher) hold that all whiskies are kosher, others have divergent opinions about whiskies matured in wine casks, including sherry casks. M&H Distillery had its sherry casks custom-made and seasoned in Jerez under kosher certification guidelines, making this sherried single malt a true first.

Not many distilleries go through the rigorous steps of producing kosher whisky, although there are a few in addition to M&H. Scotland's **Tomintoul Distillery**

(https://www.tomintoulwhisky.com/) offers a whole range of kosher single malts, and Buffalotracedistillery.com/) recently launched three kosher American whiskeys—two straight bourbons and a straight rye (/knob-creek-12-year-bardstown-bourbon-whiskey-whisky/).



KILCHOMAN 14 YEAR OLD IMPEX CASK EVOLUTION SINGLE CASK (CASK NO. 18/2006)

Style: Single malt

Origin: Scotland (Islay)

Age: 14 years old Proof: 53% ABV

Price: \$220

Release: July 2020

Availability: 208 bottles for the U.S. only

Need to know:

One of the earliest Kilchomans ever put into cask, in 2006, this single bourbon barrel yielded just 208 bottles. They're all coming to the U.S. via ImpEx Beverages, which is celebrating the 10th anniversary of its importing relationship with Kilchoman.

Whisky Advocate says:

In addition to the regular Kilchoman lineup, ImpEx brings in several special releases from the distillery each year, including its Cask Evolution series (<u>93 points</u> (/ratings-reviews/?



reviews/?search=&submit=&review_id=4911) for the 11 year old single bourbon cask) and USA Small Batch series (92 points (/ratings-reviews/?search=&submit=&review_id=5221) for the first release and 91 points (/ratings-reviews/?search=&submit=&review_id=5460) for the second release). As you can see, these bottlings typically score well. Kilchoman makes excellent whisky, and ImpEx seems to pick the best. Expect this 14 year old—the oldest Kilchoman ever bottled—to go fast.



GARRISON BROTHERS HONEYDEW

Style: Honey-infused bourbon

Origin: Texas Age: Not stated Proof: 40% ABV Price: \$90

Release: July 2020 at the distillery; August 2020 nationwide

Availability: Widely available

Need to know:

The base whiskey in HoneyDew is Garrison Brothers Small Batch Bourbon. Master distiller Donnis Todd emptied the bourbon into stainless steel tanks to mellow for 7 months, and then sawed the barrels the bourbon aged in into cubes. The cubes were immersed in Burleson's Texas Wildflower Honey, and then infused with even more honey by Matt Albrecht of River Drive Cooperage, using a technique called "Fiber Infusion Technology." Todd then immersed the cubes in the bourbon daily for 6 months using a cheesecloth to infuse the honey from the wood into the liquid.

HoneyDew will be available nationwide in August, but Garrison Brothers is holding a **drive-thru release** (https://www.facebook.com/events/896151604201477? acontext=%7B%22action history%22%3A[%7B%22surface%22%3A%22page%22%2C%22mechani at its Hye, Texas distillery on July 18.

Whisky Advocate says:

Though the infusion of honey technically makes this a flavored whiskey, Garrison Brothers describes HoneyDew as a honey-infused bourbon. This sets it apart from some of the well-known honey-flavored whiskeys such as Jack Daniel's Tennessee Honey and Jim Beam Honey—which both use honey liqueur and fall below the 40% ABV minimum for bourbon and American whiskey.

BOURBON (HTTPS://WWW.WHISKYADVOCATE.COM/TAG/BOURBON/)

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MORE FROM WHISKY WEEKEND

(/TAG/WHISKY-WEEKEND/)



Balcones Lineage, Compass Box Rogues' Banquet & More New Whisky (https://www.whiskyadvocate.com/balcones-lineage-compass-box-rogues-banquet-more-new-whisky/)

Plus, Kilchoman debuts a "mess" of a scotch, Yellowstone Limited Edition 2020 has an unusual cask finish, and new releases from Nevada and California are hitting shelves.

(https://www.whiskyadvocate.com/balconeslineage-compass-box-rogues-banquetmore-new-whisky/).



More Macallan Double Cask, Award-Winning Islay Scotch & More New Whisky (https://www.whiskyadvocate.com/macallan-double-cask-laphroaig-kilchoman-whisky-whiskey/)

The 2020 Laphroaig Càirdeas features port and red wine casks, Kilchoman Loch Gorm returns, and a special edition of Westward American single malt supports small businesses.

(https://www.whiskyadvocate.com/macallan-double-cask-laphroaig-kilchoman-whisky-whiskey/)



(https://www.whiskyadvocate.com/knob-creek-15-year-old-forester-birthday-bourbon-whisky-whiskey/)

Knob Creek 15 Year Old, Old Forester Birthday Bourbon & More New Whisky (https://www.whiskyadvocate.com/knob-creek-15-year-old-forester-birthday-bourbon-whisky-whiskey/)

Plus, Jim Beam revives a historic bourbon brand, Italy's malt whisky hits U.S. shores, and a non-alcoholic "bourbon" makes its debut.

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